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# HOUSE BILL No. 1780

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 15-4-3.5; IC 15-5-19.

**Synopsis:** Deer operations and marketing. Adds cervidae to the commodity market development program. Establishes a registration program for cervidae livestock operations, including hunting preserves, within the department of agriculture. Exempts accredited zoos and certain federally regulated operations. Provides that privately owned cervidae are the property of the owner. Allows cervidae meat and products to be sold. Establishes operational standards for cervidae livestock operations. Establishes fees for: (1) registration of an operation; (2) hunting preserve transportation tags; and (3) killing a wild cervidae to flush a facility. Establishes additional requirements for hunting preserves. Establishes penalties for violations.

**Effective:** July 1, 2005.

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### Friend, Gutwein, Hoffman

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January 19, 2005, read first time and referred to Committee on Agriculture and Rural Development.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1780

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 15-4-3.5-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this  
3 chapter:
- 4 (a) "Agricultural commodity" means poultry, poultry products,  
5 cattle, dairy products, sheep, wool, mint, ~~or~~ soybeans, **or cervidae**.  
6 (b) "Commercial quantity" means a quantity produced and marketed  
7 through commercial channels of trade.  
8 (c) "Dean" means the dean of agriculture of Purdue University or his  
9 designee.  
10 (d) "Commodity market development council" means a group  
11 representative of the commodity, referred to as the "council" in this  
12 chapter.  
13 (e) "Handler" means any person who engages in the selling,  
14 marketing, or distribution of any agricultural commodity, which he has  
15 purchased for resale or which he is marketing on behalf of a producer,  
16 and shall include a producer who distributes any agricultural  
17 commodity which he has produced.

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1 (f) "Processor" means any person engaged in the receiving, grading,  
2 packing, canning, freezing, drying, or other methods of preparation for  
3 market of agricultural commodities produced in Indiana for sale.

4 (g) "Producer" means any individual, firm, limited liability  
5 company, corporation, partnership, or unincorporated association  
6 engaged within this state in the business of producing for market or  
7 receiving income from any agricultural commodity in commercial  
8 quantities.

9 SECTION 2. IC 15-4-3.5-5 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) If the director  
11 approves the petition, in whole or as revised, he shall call a referendum  
12 among producers of commercial quantities of the commodity to vote  
13 upon establishment of the proposed commodity market development  
14 program.

15 (b) Prior to the issuance of a notice of referendum on any proposed  
16 commodity market development program, the director shall establish  
17 the number of producers qualified of that particular agricultural  
18 commodity. The producers must register with the director and he shall  
19 maintain a list of those producers. A minimum of twenty percent (20%)  
20 of the producers must register before a referendum may be held. Any  
21 registration period for establishing, continuing, changing, or  
22 terminating a marketing program shall be established by the director  
23 after the director calls for a referendum. Postdating of a registration is  
24 unlawful and void. Such producer or handler lists shall be final and  
25 conclusive in making determinations relative to the assent of producers  
26 upon the issuance, amendment, or termination of a commodity market  
27 development program.

28 (c) The director shall publish a notice of referendum to the attention  
29 of producers in such newspapers or trade journals within the affected  
30 area as the director prescribes, and in addition, he may mail notice to  
31 all producers or handlers on his current list of producers.

32 (d) If the majority of those who actually vote is in favor of the  
33 adoption of the proposal in the petition, the director shall declare the  
34 proposal to be adopted.

35 (e) A proposal to change the amount of the fee to be collected or to  
36 make other major changes may be made by a two-thirds (2/3) vote of  
37 the council or by petition of twenty-five percent (25%) of the  
38 commodity producers. The proposal shall then be submitted to  
39 referendum under which the same percentages by number and  
40 production shall be required for approval as were required for  
41 establishment of the original market development program.

42 (f) A proposal to terminate a commodity market development

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program may be made by a majority of the council or by petition of two percent (2%) of the commodity producers. The proposed termination shall be submitted to referendum under which a simple majority of those voting shall be required for termination.

(g) No referendum to set up a market development council in a particular commodity or to change the amount of fee or to make other major changes or to terminate a commodity market development council may be held within twelve (12) months of a referendum conducted for a similar purpose for the same commodity.

(h) A referendum on the continuation of the council shall be conducted at least once every three (3) years by the director.

(i) Registration for a referendum on the continuation or repeal of a program shall be open to all eligible producers and not limited to those registered for the initial referendum.

**(j) This section does not apply to the fee or participation of a commodity market program for cervidae.**

SECTION 3. IC 15-4-3.5-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. (a) The fee shall be paid at the time the final producer places the agricultural commodity in a commercial channel of trade. "Commercial channel of trade" means that series of transactions leading directly from the final producer of the agricultural commodity to the purchase of the agricultural commodity by a processor.

**(b) The fee for cervidae shall be paid from cervidae livestock facility fees and hunting preserve transportation tags fees.**

SECTION 4. IC 15-4-3.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Any fee imposed under the commodity market development program shall be collected by the director from the producers or from the handlers or processors, except:

(1) ninety-seven percent (97%) of the fee imposed under the commodity market development program for cattle, dairy products, or soybeans shall be collected by the director from the producers or from the handlers or processors who may retain the remaining three percent (3%) as compensation for collecting the fee; **and**

**(2) the fee for cervidae shall be collected by the commissioner of agriculture.**

(b) If any market development fee is unpaid on the date on which the fee was due and payable, a penalty of one percent (1%) per month shall apply from and after that date until payment plus the penalty is received by the director. If, after due notice, any person defaults in any

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1 payment of the fee or penalties thereon, the amount due shall be  
 2 collected by civil action in the name of the state of Indiana at the  
 3 request of the director, and the person adjudged in default shall pay the  
 4 costs of the action. The attorney general, at the request of the director,  
 5 and, if requested by the attorney general, the prosecuting attorney of  
 6 any county, in which a cause of action arose under the provisions for  
 7 the collection of fees due and unpaid, shall institute proper action in the  
 8 courts of this state for the collection of fees and penalties thereon due  
 9 and unpaid.

10 (c) All fees shall be paid to the director to be credited to the  
 11 "individual commodity council market development fund" which is  
 12 hereby created. All money credited to the commodity council market  
 13 development fund less administration expenses shall be expended by  
 14 the director for the use and benefit of the commodity councils.

15 (d) At least annually, the director shall submit to the council a  
 16 statement showing all receipts, administration expenses, refunds and  
 17 the balance credited to the commodity council market development  
 18 fund.

19 (e) Notwithstanding anything contained in this chapter to the  
 20 contrary, there shall be collected no more than one (1) fee per  
 21 commodity, under this chapter and under a federal program for  
 22 promotion or market development.

23 SECTION 5. IC 15-5-19 IS ADDED TO THE INDIANA CODE AS  
 24 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 25 1, 2005]:

26 **Chapter 19. Privately Owned Cervidae Producers Marketing**  
 27 **Act**

28 **Sec. 1. This chapter may be cited as the "privately owned**  
 29 **cervidae producers marketing act".**

30 **Sec. 2. This chapter does not apply to the following:**

31 (1) A zoo accredited by the American Zoo and Aquarium  
 32 Association or by another accrediting organization approved  
 33 by the department.

34 (2) A research facility or a circus that is licensed or registered  
 35 by the United States Department of Agriculture under the  
 36 federal Animal Welfare Act of 1970, as amended (7 U.S.C.  
 37 2131 et seq).

38 **Sec. 3. The following definitions apply throughout the chapter:**

39 (1) "Biosecurity" means measures, actions, or precautions  
 40 taken to prevent the transmission of disease between free  
 41 ranging and privately owned cervidae.

42 (2) "Board" means the Indiana state board of animal health

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established by IC 15-2.1-3-1.

(3) "Business plan" means a written document that defines the methods, protocols, or procedures that the person intends on implementing.

(4) "Cervidae livestock facility" means a privately owned cervidae livestock operation on private land capable of holding cervidae.

(5) "Cervidae livestock operation" means a registered operation that contains at least one (1) privately owned cervidae and that involves the producing, growing, propagating, using, harvesting, hunting, transporting, exporting, importing, or marketing of cervidae or cervidae products.

(6) "Cervidae products" means products, coproducts, or byproducts of cervidae, including antler, antler velvet, meat, or any part of the animal.

(7) "Cervidae" means members of the cervidae family including deer, elk, moose, reindeer, and caribou.

(8) "Department" refers to the Indiana department of agriculture.

(9) "Commissioner" refers to the commissioner of the department or the commissioner's designee.

(10) "Farm operation" means a farm operation (as defined in IC 8-23-17-5).

(11) "Flush" means to move or chase wild cervidae from a cervidae livestock facility.

(12) "Hunting preserve" means a privately owned cervidae livestock operation on private land capable of having controlled hunts in a fenced area.

(13) "Identify" means any documentable system or process that allows a person to recognize as separate or different an individual animal.

(14) "Law enforcement officer" has the meaning set forth in IC 35-41-1-17.

(15) "Owner" means the person who owns or is responsible for a cervidae livestock operation.

(16) "Person" means an individual, a corporation, a limited liability corporation, a partnership, an association, a joint venture, or another legal entity.

(17) "Release" means to cause an animal to become located outside the perimeter fence of a cervidae livestock facility and not under the direct control of the owner.

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(18) "Wild cervidae" means a cervidae that is not located on a cervidae livestock facility after all free ranging cervidae have been flushed from the facility.

Sec. 4. (a) A cervidae livestock operation is a farm operation and is considered to be part of the farming and agricultural industry of Indiana. The commissioner shall assure that cervidae livestock operations are afforded all rights, privileges, opportunities, and responsibilities of other farm operations.

(b) Cervidae livestock operations are a form of agriculture. Cervidae livestock facilities and their equipment are considered to be agricultural facilities and equipment. Uses related to the farming operation of cervidae are considered agricultural uses.

(c) Cervidae and cervidae products legally produced, purchased, possessed, or acquired within Indiana or imported into Indiana are the exclusive and private property of the owner.

(d) An owner harvesting privately owned cervidae from a registered cervidae livestock facility is exempt from possession limits and closed seasons involving cervidae imposed by the department of natural resources. This chapter does not give a cervidae livestock operation authority to take wild cervidae, unless a permit is issued by the department of natural resources.

(e) Any movement, importing, or exporting of cervidae or cervidae products must comply with this chapter and rules adopted by the board.

(f) Meat and products derived from privately owned cervidae may be sold to the general public.

(g) Subject to this chapter, a cervidae livestock facility may produce, grow, propagate, use, harvest, hunt, transport, export, import, or market cervidae or cervidae products.

(h) The sale of cervidae products must comply with public health laws.

Sec. 5. (a) A person may not operate a cervidae livestock operation unless the person obtains from the department a cervidae livestock facility registration. A cervidae livestock facility that is regulated by another governmental agency is not exempt from requirements of this chapter.

(b) An owner shall:

- (1) keep and maintain records of production, purchases, or imports in order to establish proof of ownership;
- (2) keep any other records required under standards under section 6 of this chapter; and
- (3) when transporting cervidae, produce the following

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documentation:

(A) The origin of the shipment.

(B) Copies of registration or permits.

(C) The shipping destination.

(D) Any other proof required by the commissioner or a law enforcement officer.

(c) Subject to subsection (d), a cervidae livestock facility in existence before May 15, 2005, is required to obtain a registration under this chapter not later than January 1, 2006, to continue engaging in a cervidae livestock operation.

(d) A person licensed by the department of natural resources to maintain cervidae in captivity under a breeders license issued under IC 14-22-20 must be registered under this chapter when the person's breeder's license expires or by January 1, 2006, whichever is earlier.

Sec. 6. (a) A completed initial application for registration must be submitted to the department not less than sixty days (60) before the construction of the cervidae livestock facility. The department shall adopt the standards contained in the "Operational Standards for Registered Privately Owned Cervid Facilities" adopted by the Michigan Department of Agriculture, to evaluate the issuance, maintenance, and renewal of a registration issued under this chapter. The department after consultation with the department of natural resources and the board may adopt rules to amend, update, or supplement the standards adopted in this subsection.

(b) As part of the registration application, the applicant shall submit a business plan that complies with the standards under this section and includes the following:

(1) The complete address of the proposed cervidae livestock facility and the size, the location, and a legal description of the lands on which the cervidae livestock operation will be conducted.

(2) The number of cervidae species included in the proposed facility.

(3) Biosecurity measures to be used, including methods of fencing and appropriate animal identification.

(4) The proposed method of flushing wild cervidae from the enclosure, if applicable.

(5) The proposed record keeping system.

(6) The method of verification that wild cervidae have been removed.

(7) The current zoning of the proposed cervidae livestock

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1 facility and whether a local unit of government has an  
2 ordinance regarding fences.

3 (8) Any other information considered necessary by the  
4 department.

5 (c) Upon receipt of an application, the commissioner shall  
6 forward a copy to the department of natural resources and the  
7 board. Upon receipt of an application, the department shall send  
8 a written notice to each local unit of government where the  
9 proposed cervidae livestock facility will be located, unless the  
10 department determines from information provided in the  
11 application, that the land is zoned agricultural. A local unit  
12 government may respond, within thirty (30) days after receipt of  
13 the written notice, indicating whether the applicant's cervidae  
14 livestock facility would be in violation of any ordinance.

15 (d) The department may not issue an initial cervidae livestock  
16 facility registration or modification unless the application  
17 demonstrates all the following:

18 (1) The cervidae livestock facility has been inspected by the  
19 commissioner and the commissioner has determined that the  
20 cervidae livestock facility:

21 (A) meets the applicable standards and requirements;

22 (B) complies with the business plan; and

23 (C) determines that there are barriers in place to prevent  
24 the escape of cervidae and prevent the entry of wild  
25 cervidae.

26 In the case of whitetail deer, elk, red deer, moose, and mule  
27 deer, a perimeter fence must be at least eight (8) feet high. In  
28 the case of sika deer, fallow deer, reindeer, and caribou, a  
29 perimeter fence must be at least six (6) feet high.

30 (2) Individual animals are appropriately identified.

31 (e) Upon receipt of a denial under this section, the applicant  
32 may submit a written request for an informal department review.  
33 The department shall provide the requested informal department  
34 review of the application. The review must include the applicant,  
35 the department, the department of natural resources, and the  
36 board, if applicable. After the informal department review, if the  
37 commissioner determines that the proposed cervidae livestock  
38 facility or cervidae livestock operation:

39 (1) complies with the requirements of this chapter, the  
40 commissioner shall issue a registration within thirty (30) days  
41 after the applicant notifies the department of completion of  
42 the facility; or

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(2) does not comply with the requirements of this chapter, the commissioner shall affirm the denial of the application in writing and specify the deficiencies needed to be addressed or corrected in order for a registration to be issued.

(f) The applicant may waive the informal department review in the application.

Sec. 7. (a) When the construction of the cervidae livestock facility is completed, the applicant shall notify the department in writing. Within thirty (30) days after notification of the completion of the cervidae livestock facility, the commissioner shall inspect the cervidae livestock facility. The commissioner shall issue a registration within thirty (30) days after completion of the inspection to a cervidae livestock facility that conforms to standards under this chapter. The time periods described in this subsection may be extended by the department only if the department is unable to verify the removal of wild cervidae or for an act of nature.

(b) The commissioner shall deny the application for registration if the proposed cervidae livestock facility does not comply with the requirements of this chapter. The department shall notify in writing an applicant of the reasons for a registration denial within sixty (60) days after receipt of the completed application. The notice must specify in writing the deficiencies to be corrected in order for a registration to be issued.

(c) Without filing a second application under this section, an applicant may request a second inspection after the specified deficiencies have been corrected. The department is not required to make more than two (2) preregistration inspections of the same proposed cervidae livestock facility per application.

(d) Upon receipt of a second denial under this section, the applicant may submit a written request for an informal department review. The department shall provide the requested informal department review of the application. The review must include the applicant, the department, the department of natural resources, and the board, if applicable. After the informal department review, if the commissioner determines that the proposed cervidae livestock facility or cervidae livestock operation:

(1) complies with the requirements of this chapter, the commissioner shall issue a registration within thirty (30) days after the applicant notifies the department of completion of the facility; or

(2) does not comply with this chapter, the commissioner shall

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1 affirm the denial of the application in writing and specify the  
2 deficiencies needed to be addressed or corrected in order for  
3 a registration to be issued.

4 The applicant may waive the informal department review of the  
5 application.

6 (e) The applicant may request an administrative hearing under  
7 IC 4-21.5 concerning a denial of registration or upon any  
8 limitations placed on a registration.

9 (f) Application fees under this chapter are not refundable.

10 Sec. 8. (a) A registration issued by the department must contain  
11 the following information:

12 (1) The registration number and expiration date.

13 (2) The cervidae species involved in the cervidae livestock  
14 facility.

15 (3) The complete name of the applicant, business name,  
16 business address, and telephone number of the cervidae  
17 livestock facility.

18 (4) The complete address of the cervidae livestock facility  
19 location.

20 (5) The complete name, address, and telephone number of the  
21 department contact person regarding cervidae livestock  
22 operations.

23 (b) The department shall issue to a person meeting the  
24 requirements of this chapter a registration to operate a cervidae  
25 livestock facility.

26 (c) The department shall maintain the following classifications  
27 of registration and, subject to rules, charge the following fees for  
28 initial and renewal applications for cervidae facilities:

29 (1) Class I (ranch), three hundred fifty dollars (\$350).

30 (2) Class II (hunting preserve), three hundred fifty dollars  
31 (\$350).

32 (3) Full registration, five hundred dollars (\$500).

33 The department may adopt rules to establish the application and  
34 renewal fees for a cervidae livestock facilities. However, the fees  
35 may not be increased by a rate of more than five percent (5%) per  
36 calendar year.

37 (d) The proceeds from the application fees must be distributed  
38 in the following manner:

39 (1) To the department of agriculture, seventy-five percent  
40 (75%) to be deposited in the livestock promotion fund to be  
41 used to promote cervidae and administer this chapter.

42 (2) To the department of natural resources, five percent (5%)

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to be deposited in the fish and wildlife fund to be used to administer this chapter.

(3) To the board, fifteen percent (15%) to be deposited with the board to be used to administer this chapter.

(4) To the commissioner, five percent (5%) to be used by the Indiana Deer and Elk Farmers Association under IC 15-4-3.5 to promote and market cervidae.

(e) The department shall send to a cervidae livestock facility owner a renewal application sixty (60) days before the expiration of the registration.

(f) An application for registration renewal must be submitted not later than thirty (30) days before expiration of the current registration. Each registration issued is valid for three (3) years after the date of issuance.

(g) A renewal submitted later than thirty (30) days before expiration of the current registration requires submission of an initial application. If the department fails to process a complete renewal application that was submitted on time, the current registration is valid until the department processes the renewal application.

(h) A new owner of a cervidae livestock facility must notify the department in writing of the change in ownership. If a cervidae livestock facility's registration will expire within six (6) months from the date that the department is notified, the new owner must apply for a new registration.

Sec. 9. A registered cervidae livestock facility shall apply for a modification of the cervidae livestock facility registration before making any change to the facility that would lead to a change in the registration classification.

Sec. 10. In addition to the requirements under this chapter, a cervidae livestock operation that contains a hunting preserve must comply with the following requirements:

(1) The hunting preserve may not contain less than fifty (50) acres of actual continuous hunting ground.

(2) A minimum of thirty percent (30%) escape cover must be available in the hunting area through a combination of terrain and vegetative cover while a hunt is conducted.

(3) The exterior boundaries of a hunting preserve must be clearly defined and posted with signs erected around the extremity at intervals of not more than one thousand three hundred twenty (1,320) feet. The signs must meet the following specifications:

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(A) Signs marking the perimeter of the hunting preserve boundary must be maintained in legible condition and visible at all times.

(B) The size of the signs must be at least ten (10) inches by ten (10) inches.

(C) The lettering must state "Private Hunting Preserve" in at least one and one-half (1-1/2) inch block letters.

(4) The application for a hunting preserve registration must be made on a form provided by the department. Each application must include:

(A) proof of ownership or lease of the property;

(B) a map of the hunting preserve; and

(C) the township, range, and sections on which the preserve is located.

(5) Each applicant, including renewal applicants, must provide a written operational plan detailing the:

(A) type of cervidae to be hunted; and

(B) hunting activities that occur or are likely to occur on the preserve.

Sec. 11. (a) The owner of the hunting preserve must notify the department of a change in activities or conditions that may affect the suitability of the property for a hunting preserve. If the department determines that activities or conditions on the hunting preserve make the property unsuitable for a hunting preserve or that the continued operation of the hunting preserve is not consistent with this chapter, the department may revoke the hunting preserve registration.

(b) The owner of a hunting preserve whose registration has been revoked may request the department to provide an informal department review of the revocation. The review must include the owner, the department, the department of natural resources, and the board. After the informal department review, if the commissioner determines the hunting preserve does not comply with this chapter, the commissioner shall affirm the revocation in writing and specify the deficiencies needed to be addressed or corrected in order for the registration to be reinstated.

Sec. 12. A hunting preserve owner shall provide written notification to the department if the owner elects to cease hunting preserve activities during the term of the registration.

Sec. 13. (a) A hunting preserve owner must maintain accurate records of cervidae husbandry and mortality.

(b) A hunting preserve transportation tag must be purchased by

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a hunter to hunt cervidae on the hunting preserve. There is not a limit on the number of tags a hunter may purchase. The cost of a tag is fifty dollars (\$50) for an Indiana resident and one hundred dollars (\$100) for an out-of-state resident. The proceeds from the sale of the tags must be distributed in the following manner:

(1) To the department of agriculture, thirty percent (30%) to be deposited in the livestock promotion fund to be used to promote cervidae and administer this chapter.

(2) To the department of natural resources, forty percent (40%) to be deposited in the fish and wildlife fund to be used to administer this chapter.

(3) To the board, twenty-five percent (25%) to be deposited with the board to be used to administer this chapter.

(4) To the commissioner, five percent (5%) to be used by the Indiana Deer and Elk Farmers Association under IC 15-4-3.5 to promote and market cervidae.

(c) A hunting preserve transportation tag must be attached to the cervidae before the cervidae is loaded into a vehicle. Before leaving the preserve, a permanent seal must be affixed to the cervidae carcass. The permanent seal must remain attached until the carcass is placed in the custody of another person for processing or until the carcass has been processed and packaged. The department shall provide the permanent seals to the preserve owner.

(d) The hunting preserve owner shall keep a record on forms provided by the department of all cervidae taken during the hunting season. The forms must include the following information:

(1) An identification of the animal, including the species of each animal.

(2) Each animal's preserve transportation tag number.

(3) Sex and weight of the animal.

(4) Method in which the animal was taken.

(5) Name and address of the hunter.

(6) Date and time the animal was taken.

The forms must be returned to the department not later than March 1 of each year.

Sec. 14. (a) Hunting on a hunting preserve is allowed from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset September 1 through January 31.

(b) Long bows, compound bows, recurve bows, crossbows, shotguns, handguns, muzzleloading long guns, and muzzleloading handguns that comply with the following requirements may be

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used on a hunting preserve:

(1) Shotguns must be 10 gauge, 12 gauge, 16 gauge, 20 gauge, or .410 bore loaded with slugs or sabot bullets. Rifle slug barrels are permitted. However, combination rifle-shotguns are not allowed.

(2) Muzzleloading firearms must be .44 caliber or larger loaded with a single bullet of at least .357 caliber. Saboted bullets are allowed, provided the bullet is .357 caliber or larger. A muzzleloading firearm must be loaded from the muzzle. Multiple barrel muzzleloading long guns are allowed.

(3) Handguns, other than muzzleloading, must have a barrel of .243-inch diameter or larger. The handgun cartridge case, without the bullet, must be at least one and sixteen hundredths (1.16) inches long. Full metal-jacketed bullets are not permitted. A handgun may not be concealed.

(4) Muzzleloading handguns must be .50 caliber or larger, loaded with bullets at least .44 caliber and have a barrel at least twelve (12) inches long, measured from the base of the breech plug, excluding tangs and other projections, to the end of the barrel, including the muzzle crown.

(5) A bow must have a pull of at least thirty-five (35) pounds. Arrows must be tipped with broadheads that are metal, metal edged, or napped flint, chert, or obsidian. Poisoned or exploding arrows are not allowed. Crossbows must have a minimum one hundred twenty-five (125) pound pull and a mechanical safety.

(c) A hunter must wear a solid fluorescent orange vest, coat, jacket, coveralls, hat, or cap when using a firearm to take an animal on a hunting preserve.

(d) A tree stand may be used for hunting cervidae on a hunting preserve.

(e) Hunting is not allowed within one hundred (100) yards or within sight of any supplemental feeding locations. A hunter may not use a snare or dog to take a cervidae. However, a dog may be used to track or trail wounded cervidae.

(f) A hunting preserve may charge the hunter fees based on size or weight of an animal.

(g) Each hunting preserve must establish a hunter density ratio based on size and topography of the facility. The ratio must be on file with the commissioner.

(h) A person may not intentionally interfere with the legal taking of game on a preserve or with the operation of a cervidae

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1 facility.

2 (i) A firearm silencer may not be used while hunting.

3 Sec 15. (a) The department shall enter into a memorandum of  
4 understanding with the department of natural resources regarding  
5 the joint inspection of hunting preserves concerning shooting  
6 hours, method of take, fluorescent orange requirements, tree  
7 stands, fair chase, and silencers as described in this chapter.

8 (b) The department of natural resources may not adopt rules  
9 concerning hunting preserves.

10 Sec. 16. (a) The commissioner shall enter into a memorandum  
11 of understanding with the department of natural resources for  
12 determining compliance by persons engaged in cervidae livestock  
13 operations, applicants, and registered cervidae livestock facilities  
14 with this chapter and investigation of violations of this chapter.

15 (b) Subject to subsection (a), the commissioner shall obtain  
16 written confirmation from the department of natural resources  
17 that:

- 18 (1) the department of natural resources has approved the
- 19 method used to flush any wild cervidae from the facility; and
- 20 (2) all wild cervidae have actually been flushed before issuing
- 21 any registration under this chapter.

22 (c) The commissioner shall enter into a memorandum of  
23 understanding with the board of animal health for:

- 24 (1) determining compliance by persons engaged in cervidae
- 25 livestock operations, applicants, and registered cervidae
- 26 livestock facilities with this chapter; and
- 27 (2) investigating violations of this chapter.

28 Sec. 17. Any wild cervidae remaining in the cervidae livestock  
29 facility after a person has flushed wild cervidae under a method  
30 approved under subsection (b)(1) must be killed or tranquilized  
31 and removed by or under the authority of the department of  
32 natural resources. The facility owner shall pay the state two  
33 hundred fifty dollars (\$250) per cervid that must be killed under  
34 the permit issued to meet the requirements of this section. The fees  
35 must be deposited in the fish and wildlife fund.

36 Sec. 18. (a) The department or an agent of the department shall  
37 have access at all reasonable hours to any cervidae livestock  
38 facility to:

- 39 (1) inspect and determine compliance with this chapter; and
- 40 (2) secure samples or specimens of any cervidae.

41 An inspection shall be conducted in a manner that does not  
42 jeopardize the health of the cervidae.

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(b) The commissioner may inspect a registered cervidae livestock facility to confirm that:

- (1) there are procedures or barriers designed to prevent the escape of cervidae;
- (2) all cervidae are accounted for; and
- (3) compliance is within the requirements in this chapter.

(c) The department must notify the owner or operator of the facility at least forty-eight (48) hours before an inspection.

**Sec. 19. A person may not:**

- (1) knowingly provide the department, commissioner, or board with false information; or
- (2) resist, impede, or hinder the commissioner's duties under this chapter.

**Sec. 20. (a)** After an opportunity for an administrative hearing, the department may deny, suspend, revoke, or limit a registration if:

- (1) the applicant or registrant fails to comply with this chapter or orders issued by the commissioner as a result of an administrative action or informal departmental review conducted under this chapter; or
- (2) the department, in consultation with the department of natural resources or the department of environmental management, determines that, based upon substantial scientific evidence, the issuance of a registration is likely to cause an unreasonable or adverse effect upon the environment or wildlife that cannot be remedied by, or is not addressed by, the existing standards under this chapter.

(b) Except in the case of an informal departmental review, the department shall conduct an administrative proceeding under IC 4-21.5.

**Sec. 21.** Except as provided in section 22 of this chapter, a person who knowingly or intentionally violates this chapter commits a Class B misdemeanor.

**Sec. 22. (a)** This section does not prohibit the sale, breeding, marketing, exhibition, or other approved uses of cervidae in the manner allowed by law.

(b) A person may not release or allow the release of any cervidae from a cervidae livestock facility. An animal that escapes from a facility is considered to be public property if the operator of a cervidae livestock facility does not notify the department as required by rules adopted under this chapter.

(c) A person may not cause the ingress of wild cervidae into a

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cervidae livestock facility.

(d) An owner may not abandon a registered cervidae livestock facility without first notifying the department in compliance with the standards established under this chapter.

(e) Except as provided in subsection (f), a person who violates subsection (b), (c), or (d) commits:

(1) a Class B infraction; or

(2) a Class A infraction for each subsequent offense.

(f) A person who knowingly or intentionally violates subsection (b), (c), or (d) commits a Class D felony.

Sec. 23. (a) A court may allow the department to recover reasonable costs and attorney's fees incurred in a prosecution resulting in a judgment or conviction for a violation of section 21 or 22 of this chapter.

(b) Upon finding that a person has violated this chapter, the commissioner after an informal or administrative hearing or under a rule may issue an order to do either of the following:

(1) Issue a warning.

(2) Impose an administrative fine of not more than one thousand dollars (\$1,000) plus the costs of investigation for each violation after notice and an opportunity for a hearing.

A person aggrieved by an administrative fine issued under this section may request a hearing under IC 4-21.5.

(c) The commissioner shall notify the attorney general of the failure of any person to pay an administrative fine imposed under this section. The attorney general shall bring a civil action in a court to recover the fine. Civil penalties collected shall be paid to the general fund.

(d) The commissioner may bring an action to do either or both of the following:

(1) Obtain a declaratory judgment that a method, an activity, or a practice violates this chapter.

(2) Obtain an injunction against a person who engages in a method, an activity, or a practice that violates this chapter.

(e) The remedies under this chapter are cumulative, and the use of one (1) remedy does not prohibit the use of another remedy.

Sec. 24. The commissioner may adopt rules under IC 4-22-2 necessary to implement and enforce this chapter.

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